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EXAMINER

THEIN, MARIA TERESA T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/051,282
Filing Date: January 22, 2002
Appellant(s): FELKEY ET AL.

Phouphanomketh Ditthavong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 22, 2008 appealing from the Office action mailed February 9, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

NEW GROUND(S) OF REJECTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15, 17, 21-23 and 40-41 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). The process steps in claims (1-15, 17, 21-23 and 40-41) are not tied to a statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-26, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand et al. in view of U.S. Patent No. 6,965,868 to Bednarck.

Regarding claims 1, 11, and 35, Liljestrand discloses a computer –implemented method, apparatus and computer-readable media storing computer-executable

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instructions for procuring telecommunications offering remotely comprising: receiving a procurement inquiry from a customer application, the procurement inquiry specifying a selected telecommunications offering from a plurality of offerings including voice service, data access service and mobile telecommunications offerings (col. 2, lines 44-48; col. 3, lines 45-59; col. 4, lines 46-61; col. 5, lines 2-3; col. 9, lines 20-34); generating procurement data in response to the procurement inquiry (abstract; col. 2, lines 42-51; col. 15, lines 7-45); and transmitting the procurement data to the customer application (abstract; col. 2, lines 42-51; col. 15, lines 7-45).

However, Liljestrand does not explicitly disclose providing an option for accessing a network consultant via instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches providing an option for accessing a network consultant via instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include providing an option for accessing a network consultant via instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Regarding claims 2-4, 7, 8-10, Liljestrand discloses the procurement data of pre-sale, ordering and post-sale data (col. 3, lines 54-59); transmitting the pre-sale data comprising value added content which includes at least one of data for matching the selected telecommunication offering with needs of a customer, data for qualifying a customer for the selected telecommunication offering, data for an on-line demonstration of a process for procuring the selected telecommunication offering, data for answers to technical questions (col. 3, lines 54-59; col. 4, lines 13-29; col. 7, lines 6-53); transmitting post-sale data comprising value added content, the value added content including at least one of data for providing access to exiting orders, data for providing electronic billing, data for sending of a page, data for scheduling of a conference call, data for on-line directory assistance, or tailored data for on one of a telecommunication ordered or a related telecommunication offerings (col. 8, lines 31-47; col. 14, lines 27-44); providing the voice service offering to include calling package, a long distance, a toll free, a conferencing and a calling card telecommunication offering (col. 4, line 46 – col. 5, line 23); providing the data access service (col. 4, line 46 – col. 5, line 23); providing the mobile telecommunication offerings (col. 4, line 46 – col. 5, line 23); and graphical user interface (Figure 5).

Regarding claims 12, 14, 17, and 36, Liljestrand discloses a computer-implemented method, apparatus and a computer-readable media storing computer-executable instructions for servicing telecommunication offerings remotely comprising: receiving an inquiry from a customer application, the inquiry specifying search criteria with respect to an order for one of a plurality of telecommunication offering including

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voice service, data access service and mobile telecommunication service (col. 2, lines 44-48; col. 3, lines 45-59; col. 4, lines 46-61; col. 5, lines 2-3; col. 9, lines 20-34), a customer agent assigned for servicing telecommunication offering order, (col. 2, lines 42-51; col. 4, lines 34-36; col. 16, lines 50-64); generating response to the service inquiry and pertaining to the search criteria (abstract; col. 2, lines 42-51; col. 15, lines 7-45); and transmitting the response data to the customer application (abstract; col. 2, lines 42-51; col. 15, lines 7-45).

However, Liljestrand does not explicitly disclose instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Regarding claims 13 and 15, Liljestrand discloses the response data includes at least on of pre-sale, ordering, and post-sale data (col. 3, lines 54-59); and post sale data (col. 8, lines 31-47; col. 14, lines 27-44).

Regarding claims 21-23, Liljestrand discloses a computer-implemented method and computer-readable media storing computer-executable instructions for procuring

telecommunications offering remotely comprising: submitting an inquiry, specifying a selected telecommunications offering among a voice, data access and mobile telecommunications offerings (col. 3, lines 54-59; col. 4, lines 46-61); receiving procurement data (abstract; col. 2, lines 42-51); wherein the procurement data is generated in response to the and pertains to the selected telecommunication offering (abstract; col. 2, lines 42-51). Furthermore, Liljestrand discloses a graphical user interface (Figure 5).

However, Liljestrand does not explicitly disclose instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand and U.S. Patent No. 6,965,868 to Bednarck, as applied to claim 1 above, and further in view of U.S. Patent No. 6,463,420 to Guidice et al. Liljestrand and Bednarck substantially disclose the claimed invention, however, the combination does not disclose a shopping cart data, order entry

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data, ordering tracking data, and order status data. The combination discloses an apparatus and method for providing a plurality of transparent enhanced telecommunication services to subscribers (Liljestrand, col. 2, lines 38-40). The combination discloses a variety of revenue generating enhanced services (Liljestrand, col. 3, lines 54-56).

Guidice, on the other hand, teaches shopping cart data, order entry data, ordering tracking data, and order status data (Figure 2; Figure 4; Figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include shopping cart data, order entry data, ordering tracking data, and order status data, as taught by Guidice, in order to increase the efficiency and convenience of tracking the delivery status of orders (Guidice, col. 2, lines 26-27).

Claims 27-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand in view of U.S. Patent No. 6,965,868 to Bednarck and further in view of U.S. Patent No. 6,098,108 to Sridhar et al. Liljestrand substantially disclose the claimed invention, however, Liljestrand does not disclose instant messaging; and a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system. Liljestrand

discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrang, to include instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Furthermore, Liljestrang and Bednarck do not disclose a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system.

Sridhar, on the other hand, teaches a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; and a site intelligence server (Figure 6; Figure 9; Figure 15; Figure 22; col. 5, lines 7-25; col. 9, lines 44-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Liljestrang and Bednarck, to include a customer browser loaded on a customer client computer; a back office

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browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system, as taught by Sridhar, in order to provide enhanced communication between client and server computers coupled through the Internet (Sridhar, col. 1, lines 13-15).

Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand et al. in view of U.S. Patent No. 6,788,949 to Bansal.

Liljestrand discloses a method comprising: providing a plurality of options to communicate with a consultant during provisioning (col. 4, lines 13-15); receiving input from the customer application, the input specifying one or more selections of a plurality of telecommunications products (abstract, col. 2, lines 44-48; col. 3, lines 54-59; col. 7, lines 16-21); determining whether the selection is valid during the provisioning (col. 14, lines 13-26); generating an order for the selection based on the determining step (col. 8, lines 44-47); and web-base interface (col. 4, lines 13-15).

However, Liljestrand does not explicitly disclose instant messaging and on-line shared white-boarding. Liljestrand discloses enhanced services platform utilizing a voice-activated and a web-activated user interface (col. 4, lines 13-15).

Bansal, on the other hand, teaches instant messaging and on-line shared white-boarding (col. 1, lines 30-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging and on-line shared white-boarding, as taught by Bansal, in order to provide a chat session that allows to enter and send messages simultaneously (Bansal, col. 1, lines 22-24).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,853,714	LILJESTRANT ET AL	2-2005
6,965,868	BEDNARCK	11-2005
6,463,420	GUIDICE ET AL.	10-2002
6,098,108	SRIDHAR ET AL.	8-2000
6,788,949	BANSAL	9-2004

(9) Grounds of Rejection

NEW GROUND(S) OF REJECTION

Claim Rejections - 35 USC § 101

Claims 1-15, 17, 21-23 and 40-41 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform

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underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876). The process steps in claims (1-15, 17, 21-23 and 40-41) are not tied to a statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-26, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand et al. in view of U.S. Patent No. 6,965,868 to Bednarck.

Regarding claims 1, 11, and 35, Liljestrand discloses a computer –implemented method, apparatus and computer-readable media storing computer-executable instructions for procuring telecommunications offering remotely comprising: receiving a procurement inquiry from a customer application, the procurement inquiry specifying a selected telecommunications offering from a plurality of offerings including voice service, data access service and mobile telecommunications offerings (col. 2, lines 44-48; col. 3, lines 45-59; col. 4, lines 46-61; col. 5, lines 2-3; col. 9, lines 20-34);

generating procurement data in response to the procurement inquiry (abstract; col. 2, lines 42-51; col. 15, lines 7-45); and transmitting the procurement data to the customer application (abstract; col. 2, lines 42-51; col. 15, lines 7-45).

However, Liljestrand does not explicitly disclose providing an option for accessing a network consultant via instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches providing an option for accessing a network consultant via instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include providing an option for accessing a network consultant via instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Regarding claims 2-4, 7, 8-10, Liljestrand discloses the procurement data of pre-sale, ordering and post-sale data (col. 3, lines 54-59); transmitting the pre-sale data comprising value added content which includes at least one of data for matching the selected telecommunication offering with needs of a customer, data for qualifying a customer for the selected telecommunication offering, data for an on-line demonstration of a process for procuring the selected telecommunication offering, data for answers to

technical questions (col. 3, lines 54-59; col. 4, lines 13-29; col. 7, lines 6-53); transmitting post-sale data comprising value added content, the value added content including at least one of data for providing access to exiting orders, data for providing electronic billing, data for sending of a page, data for scheduling of a conference call, data for on-line directory assistance, or tailored data for on one of a telecommunication ordered or a related telecommunication offerings (col. 8, lines 31-47; col. 14, lines 27-44); providing the voice service offering to include calling package, a long distance, a toll free, a conferencing and a calling card telecommunication offering (col. 4, line 46 – col. 5, line 23); providing the data access service (col. 4, line 46 – col. 5, line 23); providing the mobile telecommunication offerings (col. 4, line 46 – col. 5, line 23); and graphical user interface (Figure 5).

Regarding claims 12, 14, 17, and 36, Liljestrand discloses a computer-implemented method, apparatus and a computer-readable media storing computer-executable instructions for servicing telecommunication offerings remotely comprising: receiving an inquiry from a customer application, the inquiry specifying search criteria with respect to an order for one of a plurality of telecommunication offering including voice service, data access service and mobile telecommunication service (col. 2, lines 44-48; col. 3, lines 45-59; col. 4, lines 46-61; col. 5, lines 2-3; col. 9, lines 20-34), a customer agent assigned for servicing telecommunication offering order, (col. 2, lines 42-51; col. 4, lines 34-36; col. 16, lines 50-64); generating response to the service inquiry and pertaining to the search criteria (abstract; col. 2, lines 42-51; col. 15, lines 7-

45); and transmitting the response data to the customer application (abstract; col. 2, lines 42-51; col. 15, lines 7-45).

However, Liljestrand does not explicitly disclose instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Regarding claims 13 and 15, Liljestrand discloses the response data includes at least one of pre-sale, ordering, and post-sale data (col. 3, lines 54-59); and post sale data (col. 8, lines 31-47; col. 14, lines 27-44).

Regarding claims 21-23, Liljestrand discloses a computer-implemented method and computer-readable media storing computer-executable instructions for procuring telecommunications offering remotely comprising: submitting an inquiry, specifying a selected telecommunications offering among a voice, data access and mobile telecommunications offerings (col. 3, lines 54-59; col. 4, lines 46-61); receiving procurement data (abstract; col. 2, lines 42-51); wherein the procurement data is generated in response to the and pertains to the selected telecommunication offering

(abstract; col. 2, lines 42-51). Furthermore, Liljestrand discloses a graphical user interface (Figure 5).

However, Liljestrand does not explicitly disclose instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand and U.S. Patent No. 6,965,868 to Bednarck, as applied to claim 1 above, and further in view of U.S. Patent No. 6,463,420 to Guidice et al. Liljestrand and Bednarck substantially disclose the claimed invention, however, the combination does not disclose a shopping cart data, order entry data, ordering tracking data, and order status data. The combination discloses an apparatus and method for providing a plurality of transparent enhanced telecommunication services to subscribers (Liljestrand, col. 2, lines 38-40). The combination discloses a variety of revenue generating enhanced services (Liljestrand, col. 3, lines 54-56).

Guidice, on the other hand, teaches shopping cart data, order entry data, ordering tracking data, and order status data (Figure 2; Figure 4; Figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include shopping cart data, order entry data, ordering tracking data, and order status data, as taught by Guidice, in order to increase the efficiency and convenience of tracking the delivery status of orders (Guidice, col. 2, lines 26-27).

Claims 27-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand in view of U.S. Patent No. 6,965,868 to Bednarck and further in view of U.S. Patent No. 6,098,108 to Sridhar et al. Liljestrand substantially disclose the claimed invention, however, Liljestrand does not disclose instant messaging; and a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant

messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Furthermore, Liljestrand and Bednarck do not disclose a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system.

Sridhar, on the other hand, teaches a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; and a site intelligence server (Figure 6; Figure 9; Figure 15; Figure 22; col. 5, lines 7-25; col. 9, lines 44-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Liljestrand and Bednarck, to include a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system, as taught by Sridhar, in order to provide enhanced communication between client and server computers coupled through the Internet (Sridhar, col. 1, lines 13-15).

Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand et al. in view of U.S. Patent No. 6,788,949 to Bansal.

Liljestrand discloses a method comprising: providing a plurality of options to communicate with a consultant during provisioning (col. 4, lines 13-15); receiving input from the customer application, the input specifying one or more selections of a plurality of telecommunications products (abstract, col. 2, lines 44-48; col. 3, lines 54-59; col. 7, lines 16-21); determining whether the selection is valid during the provisioning (col. 14, lines 13-26); generating an order for the selection based on the determining step (col. 8, lines 44-47); and web-base interface (col. 4, lines 13-15).

However, Liljestrand does not explicitly disclose instant messaging and on-line shared white-boarding. Liljestrand discloses enhanced services platform utilizing a voice-activated and a web-activated user interface (col. 4, lines 13-15).

Bansal, on the other hand, teaches instant messaging and on-line shared white-boarding (col. 1, lines 30-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging and on-line shared white-boarding, as taught by Bansal, in order to provide a chat session that allows to enter and send messages simultaneously (Bansal, col. 1, lines 22-24).

(10) Response to Argument

Preliminary Note: The Examiner has adopted the Appellants' outline format for use in addressing Appellants' arguments.

A. CLAIMS 1-4, 7-15, 17, 21-23, 35, AND 36 ARE NOT RENDERED OBVIOUS BY LILJESTRAND ET AL. AND BEDNAREK ET AL., BECAUSE NEITHER REFERENCE DISCLOSES THE CLAIMED PROCUREMENT FEATURES WHEREIN THERE IS A PROCUREMENT INQUIRY, A GENERATION OF PROCUREMENT DATA AND A TRANSMISSION OF THE PROCUREMENT DATA

Appellants remark that Liljestrand or Bednarek does "not disclose a procurement inquiry by a customer application, as recited by claims 1 and 35, or an inquiry from a customer application, as in claims 12 and 36, or an inquiry, as in claim 21". (Appeal Brief, page 9, third paragraph) Furthermore, Appellants remark that "there is absolutely no disclosure therein of any procurement data generation of that procurement data, procurement inquiry or transmission of any procurement data to a customer application". (Appeal Brief, page 9, fifth paragraph)

The Examiner does not agree. Liljestrand discloses an apparatus and method for providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform on a local network exchange (col. 2,"lines 38-42). The enhanced services platform is implemented on an enhanced local exchange (col. 3, lines 50-51). The enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform (col. 3, lines 54-59). The enhanced services platform utilizes a voice-activated and web-activated user interface to allow access to enhanced telecommunication services (col. 4, lines 13-15). The subscriber accesses and

connects to the enhanced services platform where a “virtual administrator” associated with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services. (Col. 4, lines 15-23) Liljestrand discloses subscriber profile information which can be entered, modified, or deleted by the subscriber via the voice-activated interface or via the web-activated interface. The web-activated interface provides access to subscriber billing information and account status. Besides servicing existing subscribers, the web-activated interface is also capable of automatically creating new accounts for customers that want to sign up for services. (Col. 8, lines 40-47) The subscriber can perform administrative functions to update their subscriber profile (col. 16, lines 50-42). The voice-activated interface utilizes voice recognition technology to understand the subscriber’s requests (col. 16, lines 54-56). Administrative functions include changing the feature packages that the subscriber is registered for, and customer service needs (col. 16, lines 58-64). In addition, the subscriber can connect to the enhanced local exchange via a remote access link or via the Internet or World Wide Web using a Personal Digital Assistant (PED) or computer. (Col. 9, lines 26-34; Figure 1) Such subscriber using a computer or PDA to connect to the enhanced local exchange is considered the customer application.

Such providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform; enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform; enhanced services platform

utilizes a voice-activated and web-activated user interface; subscriber accessing and connecting to the enhanced services platform where a “virtual administrator” associated with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services; subscriber profile information which can be entered, modified, or deleted by the subscriber via the voice-activated interface or via the web-activated interface; web-activated interface provides access to subscriber billing information and account status; the web-activated interface is also capable of automatically creating new accounts for customers that want to sign up for services; and subscriber can perform administrative functions to update their subscriber profile which include changing the feature packages that the subscriber is registered for, and customer service needs are considered “a procurement inquiry by a customer application; ” an inquiry from a customer application”; and “any procurement data generation of that procurement data, procurement inquiry or transmission of any procurement data to a customer application”.

The claims were given their broadest reasonable interpretation consistent with the supporting description. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000) Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs, Inc. v. 3Com Corp., 343 F.3d 1364,1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (Claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). See MPEP 2111.

Appellants remark that Liljestrand does not disclose "generation of that procurement data... or transmission of any procurement data to a customer application". (Appeal Brief, page 9, fifth paragraph)

Examiner does not agree. Liljestrand discloses an apparatus and method for providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform on a local network exchange (col. 2,"lines 38-42). The enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform (col. 3, lines 54-59). The subscriber accesses and connects to the enhanced services platform where a "virtual administrator" associated with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services. (Col. 4, lines 15-23) Furthermore, Liljestrand discloses an Application Engines that is required to perform processing of calls, requests and other service operation. The Application Engines is responsible for processing events needed to facilitate enhanced services. (Col. 13, lines 6-17) When the enhanced services platform receives a call, the database server is accessed to retrieve the subscriber profile information associated with the called subscriber. The subscriber profile is generated from a subscriber database that includes elements of the components he or she is utilizing. (Col. 14, lines 27-44)

Such subscriber accessing and connecting to the enhanced services platform where a "virtual administrator" associated with the interface within the enhanced

services platform assists the subscriber in requesting and performing all desired services; Application Engines is responsible for processing events needed to facilitate enhanced services; and when the enhanced services platform receives a call, the database server is accessed to retrieve the subscriber profile information associated with the called subscriber, wherein the subscriber profile is generated from a subscriber database that includes elements of the components he or she is utilizing are considered disclose "generation of that procurement data... or transmission of any procurement data to a customer application"

B. CLAIMS 5 AND 6 ARE NOT RENDERED OBVIOUS BY LIJESTRAND ET AL., BEDNAREK AND/OR GUIDICE ET AL. BECAUSE NONE OF THE APPLIED REFERENCES DISCLOSES THE CLAIMED PROCUREMENT FEATURES OF A PROCUREMENT INQUIRY, A GENERATION OF PROCUREMENT DATA AND A TRANSMISSION OF THE PROCUREMENT DATA.

Appellants remark that "the skilled artisan would not have been led to modify to the Liljestrand system to include shopping cart data and/or tracking data. There is no factual basis to include this data in Liljestrand because Liljestrand is not concerned with selling anything". (Appeal Brief, pages 12 -13, fourth paragraph)

The Examiner does not agree. The combination of Liljestrand and Bednarck, specifically Liljestrand, discloses an apparatus and method for providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform on a local network exchange (col. 2,"lines 38-42). The enhanced services platform is implemented on an enhanced local exchange (col. 3,

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lines 50-51). The enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform (col. 3, lines 54-59). Liljestrand discloses subscriber profile information which can be entered, modified, or deleted by the subscriber via the voice-activated interface or via the web-activated interface. The web-activated interface provides access to subscriber billing information and account status. Besides servicing existing subscribers, the web-activated interface is also capable of automatically creating new accounts for customers that want to sign up for services. (Col. 8, lines 40-47) The apparatus and method further includes an operations, administration and maintenance (OAM) server that allow personnel to modify customer (subscriber) account and billing information (col. 9, lines 7-9); and an event detail records module which are used for billing (col. 11, lines 5-6; col. 11, lines 9-10). Moreover, Liljestrand discloses subscriber profile information which is generated from a subscriber database that includes the subscriber account number and accounting information (for billing and usage) (col. 14, lines 27-34). The Examiner then turns to Guidice to teach shopping cart data and/or tracking data. The motivation to combine “to increase the efficiency and convenience of tracking the delivery status of orders” which is found in Guidice col. 2, lines 26-27.

C. CLAIMS 27-30 AND 32-34 ARE NOT RENDERED OBVIOUS BY LILJESTRAND ET AL., BEDNAREK AND/OR SRIDHAR ET AL. BECAUSE NONE OF THE APPLIED REFERENCES DISCLOSES THE CLAIMED PROCUREMENT FEATURES OF A PROCUREMENT INQUIRY, A GENERATION OF PROCUREMENT DATA AND A TRANSMISSION OF PROCUREMENT DATA.

Appellants remark that "Liljestrand is not concerned with procurement, or ordering.... there would have been no possible reason, within the meaning of 35 U.S. C. 103, for modifying Liljestrand et al. by including a customer browser being configured to submit a **procurement inquiry specifying a selected telecommunication offering** or a back office browser being configured to submit a **service inquiry specifying a search criteria with respect to an order for a telecommunications offering**, or a server program being configured to receive **the procurement and service inquiries**, generate **procurement data pertaining...to the selected telecommunications offering** and service data **pertaining to the search criteria**, and transmit the **procurement and service data**." (Appeal Brief, page 14, first bridging)

The Examiner does not agree. Liljestrand discloses an apparatus and method for providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform on a local network exchange (col. 2,"lines 38-42). The enhanced services platform is implemented on an enhanced local exchange (col. 3, lines 50-51). The enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform (col. 3, lines 54-59). The enhanced services platform utilizes a voice-activated and web-activated user interface to allow access to enhanced telecommunication services (col. 4, lines 13-15). The subscriber accesses and connects to the enhanced services platform where a "virtual administrator" associated

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with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services. (Col. 4, lines 15-23) Liljestrand discloses subscriber profile information which can be entered, modified, or deleted by the subscriber via the voice-activated interface or via the web-activated interface. The web-activated interface provides access to subscriber billing information and account status. Besides servicing existing subscribers, the web-activated interface is also capable of automatically creating new accounts for customers that want to sign up for services. (Col. 8, lines 40-47) The subscriber can perform administrative functions to update their subscriber profile (col. 16, lines 50-42). The voice-activated interface utilizes voice recognition technology to understand the subscriber's requests (col. 16, lines 54-56). Administrative functions include changing the feature packages that the subscriber is registered for, and customer service needs (col. 16, lines 58-64).

Furthermore, Liljestrand discloses an Application Engines that is required to perform processing of calls, requests and other service operation. The Application Engines is responsible for processing events needed to facilitate enhanced services. (Col. 13, lines 6-17) When the enhanced services platform receives a call, the database server is accessed to retrieve the subscriber profile information associated with the called subscriber. The subscriber profile is generated from a subscriber database that includes elements of the components he or she is utilizing. (Col. 14, lines 27-44)

Such providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform; enhanced local exchange integrates a variety of revenue-generating enhanced services such as

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pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform; enhanced services platform utilizes a voice-activated and web-activated user interface; subscriber accessing and connecting to the enhanced services platform where a “virtual administrator” associated with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services; web-activated interface provides access to subscriber billing information and account status; the web-activated interface is also capable of automatically creating new accounts for customers that want to sign up for services; subscriber can perform administrative functions to update their subscriber profile which include changing the feature packages that the subscriber is registered for, and customer service needs; Application Engines is responsible for processing events needed to facilitate enhanced services; and when the enhanced services platform receives a call, the database server is accessed to retrieve the subscriber profile information associated with the called subscriber, wherein the subscriber profile is generated from a subscriber database that includes elements of the components he or she is utilizing are considered “procurement inquiry specifying a selected telecommunication offering”; “service inquiry specifying a search criteria with respect to an order for a telecommunications offering”; “the procurement and service inquiries”; “procurement data pertaining...to the selected telecommunications offering”; “pertaining to the search criteria; and “ procurement and service data”.

The Examiner then turns to Sridhar to teach “a customer browser loaded on a customer client computer, a back office browser loaded on a back office client

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computer, a server program communicating according to a communication protocol architecture that includes a web layer and application layer; a database layer, and a site intelligence server". The motivation to combine is found in Sridhar to provide enhanced communication between client and server computers coupled through the Internet col. 1, lines 13-15.

The claims were given their broadest reasonable interpretation consistent with the supporting description. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000) Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs, Inc. v. 3Com Corp., 343 F.3d 1364,1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (Claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). See MPEP 2111.

D. CLAIMS 40 AND 41 ARE NOT RENDERED OBVIOUS BY LIJESTRAND ET AL. AND BANSAL BECAUSE NEITHER OF THE APPLIED REFERENCES DISCLOSES THE CLAIMED GENERATION OF AN ORDER FOR THE SELECTION.

Appellants remark that "Bansal does not provide for the deficiencies of Liljestrand et al., explained supra, regarding a lack of 'ordering' a telecommunications service/product. Because Liljestrand et al. lacks any teaching or suggestion of generating an 'order' for a selection of any of a plurality of telecommunications products (i.e., is not concerned with the specifics of electronic provisioning of telecommunications services), there is no technical basis for modifying Liljestrand et al. with a teaching of

instant messaging or white-boarding in order to use instant messaging or white-boarding for provisioning purposes.”

The Examiner does not agree. Appellants’ remark “ordering a telecommunications service/product” does not commensurate with the scope of claim

40. Claim 40 recites:

- 40. A method for electronic provisioning of telecommunication services, the method comprising:
 - providing a plurality of options to communicate with a consultant during the provisioning, wherein the options include instant messaging and on-line shared white-boarding, wherein the option is displayed via a customer application to a user;
 - receiving input from the customer application, the input specifying one or more selections of a plurality of telecommunication products;
 - determining whether the selection is valid during the provisioning; and
 - generating an order for the selection based on the determining step.

Liljestrand discloses the providing options to communicate with a consultant; receiving input form the customer application, specifying the selection; determining whether the selection is valid during the provisioning; and generating an order for the selection. Liljestrand discloses an apparatus and method for providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform on a local network exchange (col. 2,”lines 38-42). The enhanced services platform is implemented on an enhanced local exchange (col. 3, lines 50-51). The enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services

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platform (col. 3, lines 54-59). The enhanced services platform utilizes a voice-activated and web-activated user interface to allow access to enhanced telecommunication services (col. 4, lines 13-15). The subscriber accesses and connects to the enhanced services platform where a "virtual administrator" associated with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services. (Col. 4, lines 15-23) For each received command, the "virtual administrator" associated with the interface either acknowledges the command, requests additional information (e.g. as to what the subscriber wants) or rejects when the command when the "virtual administrator" does not understand. Rejection messages preferable list the valid" options. (Col. 7, lines 39-47) Furthermore, Liljestrand discloses the web-activated interface provides access to subscriber billing information and account status. Besides servicing existing subscribers, the web-activated interface is also capable of automatically creating new accounts for customers that want to sign up for services. (Col. 8, lines 40-47) The subscriber can perform administrative functions to update their subscriber profile (col. 16, lines 50-42). The voice-activated interface utilizes voice recognition technology to understand the subscriber's requests (col. 16, lines 54-56). Administrative functions include changing the feature packages that the subscriber is registered for, and customer service needs (col. 16, lines 58-64). Moreover, Liljestrand discloses an Application Engines that is required to perform processing of calls, requests and other service operation. The Application Engines is responsible for processing events needed to facilitate enhanced services. (Col. 13, lines 6-17) When the enhanced services platform receives a call,

the database server is accessed to retrieve the subscriber profile information associated with the called subscriber. The subscriber profile is generated from a subscriber database that includes elements of the components he or she is utilizing. (Col. 14, lines 27-44)

Such providing a plurality of enhanced telecommunication services to subscribers (customers) by implementing an enhanced services platform; enhanced local exchange integrates a variety of revenue-generating enhanced services such as pre- and post-paid calling services, voice-activated subscriber services, and various forms of messaging via the enhanced services platform; subscriber accessing and connecting to the enhanced services platform where a "virtual administrator" associated with the interface within the enhanced services platform assists the subscriber in requesting and performing all desired services; for each received command, the "virtual administrator" associated with the interface either acknowledges the command, requests additional information (e.g. as to what the subscriber wants) or rejects when the command when the "virtual administrator"; Application Engines is responsible for processing events needed to facilitate enhanced services; and when the enhanced services platform receives a call, the database server is accessed to retrieve the subscriber profile information associated with the called subscriber, wherein the subscriber profile is generated from a subscriber database that includes elements of the components he or she is utilizing are considered "the providing options to communicate with a consultant; receiving input form the customer application, specifying the

selection; determining whether the selection is valid during the provisioning; and generating an order for the selection”.

Liljestrand does not disclose instant messaging and on-line shared whiteboarding. However Bansal teaches the instant messaging and on-line shared whiteboarding. The motivation to combine is found in to Bansal to provide a chat session that allows to enter and send messages simultaneously col. 1, lines 22-24.

The claims were given their broadest reasonable interpretation consistent with the supporting description. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000) Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs, Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (Claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). See MPEP 2111.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section **(9)** above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

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